

In re: MYATT
10/690,825

a sign having a front side for forming an exterior surface of the vending machine and being visible to a customer of the vending machine and a rear side for facing the vending machine, the sign being attachable to a front portion of the vending machine and having at least one window portion through which an item located on the rear side of the sign can be viewed from the front side of the sign, the window portion being spaced apart from a product identification window of a selection panel of the vending machine and having a size greater than a size of the selection panel product identification window; and

a holder constructed and arranged to be attached solely to the rear side of the sign and supported solely by the sign, the holder also constructed and arranged to hold a remote product identifier such that the remote product identifier is viewable from the front side through the window portion of the sign, the remote product identifier also having a size greater than the size of the selection panel product identification window

Thus, as suggested by the Examiner, claim 1 has been amended such that the sign must form an exterior surface of the vending machine and the holder must be 1) attached solely to the rear side of the sign and 2) supported solely by the sign. Such a construction allows the entire appearance of an existing machine to be changed to a desired new look by retrofitting only the sign assembly. Such an embodiment is not disclosed or suggested by Chimomas.

The Examiner states at paragraph 4 that "Chimomas teaches the 'function of a mask' sheet could be provided by printing the graphics that would have been placed on this sheet, instead on the interior facing side of the bubble front 18. See paragraph 0089." The Examiner continues: "Since the function of the mask sheet 510 can be incorporated into the exterior bubble front sheet 18, the examiner contends that claims 1-4, 7-16 are still anticipated by Chimomas"

Applicant respectfully disagrees with the Examiner's second statement and conclusion. Chimomas does teach that "Most of the function of 'mask' sheet 510 could be provided by printing the graphics that would have been placed on the sheet, instead on the interior facing

In re: MYATT
10/690,825

side of bubble front 18.” However, Chirnomas does not teach or suggest omitting the graphics panel 410, which includes, in the embodiment of paragraph [0089], holder sheet 516, graphics cards 520 and support sheet 522. See paragraph [0089]. Every embodiment taught or suggested in Chirnomas requires both a display face panel 18 and a separate graphics panel 410, which graphics panel comprises multiple components. Chirnomas does not teach or suggest that the separate graphics panel 410 be 1) attached solely to the rear side of the display panel 18 or 2) be supported solely by the display panel 18, as required by claim 1.

In fact, Chirnomas teaches that the “Display face panel 18 is attached to the front door 14 via a perimeter frame 9 of conventional design” {paragraph [0063]} and that the separate graphics panel 410 be installed via slot 308 on the door 14. See paragraphs [0073, 0074 and 0075]. Thus, the graphics panel 410 is not 1) attached solely to the rear side of the display panel 18 or 2) supported solely by the display panel 18. Rather, the graphics panel 410 is supported by the door 14.

Further, because the graphics panel 410 of Chirnomas is not attached to the rear side of display panel 18, Chirnomas actually requires additional “tensioning/urging means” in the form of spring clips 320 to hold the replaceable graphics display panel 410 in a press fit juxtaposition with the display face panel 18. See paragraphs [0074 and 0077]. This is presumably to prevent gaps between the display face panel 18 and the replaceable graphics display panel 410, which gaps could be visible from the exterior of the machine and detract from the overall appearance of the machine. Thus, not only is the graphics display panel 410 not solely attached to the rear side of the display face panel 18 or supported solely by the display face panel 18, because it is not so structured, Chirnomas must provide additional

In re: MYATT
10/690,825

structure in the form of spring clips 320 to push the graphics display panel 410 against display face panel 18.

As previously noted, Chirnomas, is not directed to a retrofit kit for updating the appearance of older machines as is claim 1, but discloses a vending machine of new manufacture. Therefore, Chirnomas neither recognizes the problems of updating the appearance of prior art type machines already in the field nor the issues related to providing a retrofit kit for updating such machines.

At a minimum, Chirnomas requires at least one additional panel as compared to the claimed invention, at additional cost to manufacture and ship, and also requires the replacement of both the display face panel 18 and the separate graphics display panel 410 separately supported by the door 14 to change the overall appearance of the machine. This contrasts with the claimed invention wherein only the single sign/holder assembly need be replaced to change the overall appearance of the machine. The claimed invention has fewer components, is cheaper to manufacture and requires less effort to change the overall appearance of the machine, as compared to Chirnomas.

In addition, as set forth in the attached Declaration of John Myatt, the commercial success of the invention argues against obviousness of the claimed invention. As Mr. Myatt states:

3. The Signage Retrofit Kit has proven to be such an idea. It has been over 2 years since we first introduced the Signage Retrofit Kit and we have sold over 30,000 kits to date that would be covered by at least claim 1 of the '825 application. Thus, approximately the same number of beverage vending machines have been retrofitted with our Signage Retrofit Kit and placed back into service.

4. While exact company records are proprietary, it has been reported to us by the purchaser of the 30,000+ kits identified in paragraph 3 above that their beverage vending machines retrofitted with our Signage Retrofit Kit

In re: MYATT
10/690,825

have resulted in increased product visibility and increased sales. Specifically, it has been reported to us that sales have generally increased at the same machine location when either 1) an existing machine at that location has been retrofitted with a Signage Retrofit Kit (as claimed in claim 1 of the '825 application), or 2) the existing machine at that location has been replaced with a machine retrofitted with a Signage Retrofit Kit (as claimed in claim 1 of the '825 application). These reports attribute the increased sales to an increased awareness and understanding by the customer of the various products/flavors contained within the retrofitted machine as a direct result of the Signage Retrofit Kit, as compared to the original machine.

This evidence of the commercial success of the invention argues against the obviousness of the invention and is further evidence of the allowability of claim 1.

For all these reasons above, Chirnomas does not teach or suggest claim 1, and it is respectfully requested that the rejection of claim 1 under Chirnomas be withdrawn.

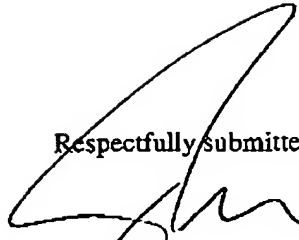
Claims 2-29 depend from claim 1 and are believed allowable for the same reasons as claim 1, as well as for the further limitations contained therein.

New claim 32 is similar to allowed claim 30. It is directed to a specific commercial embodiment of the invention and specifically requires a plurality of window portions and remote product identifiers. The limitations directed to the holder which made claim 30 allowable, are unchanged in new claim 32. Therefore, new claim 32 is believed allowable for the same reasons as claim 30, as are new claims 33-34 which depend from claim 32.

In view of the above, it is believed that the application is in condition for allowance and such a Notice is respectfully requested. If anything else is needed to place the application in condition for allowance, it is kindly requested that the undersigned be contacted.

In re: MYATT
10/690,825

Respectfully submitted,



Timothy J. Klima, Reg. No.: 34,852

Harbin King & Klima
500 Ninth Street SE
Washington, DC 20003
Ph: 202-543-6404
Fax: 202-543-6406